

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. JOSEPH BENNY RIZZUTO	<i>For U. S.:</i> Ben F. Baker <i>For Defendant:</i> 583-5871 Jack Ferguson (Appt.) Center Bldg., Tulsa

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 3-31-71	Clerk					
J.S. 3 mailed 6-30-71	Marshal					
Violation T.18, U.S.C., 2312	Docket fee					
Title Dyer Act						
Sec.						

DATE	PROCEEDINGS
3-17-71	Defendant present in person and rep. Defendant advised of charge, waives indictment, waiver signed and filed in open court. Information filed. Def. arraigned and enters plea of NOT GUILTY, and case to be set on next jury docket. (AEB-J)h
4-13-71	Defendant present in person and represented. Deft. signs Waiver of Jury in open court. Bond continues. To be set at a later date. (AEB-J)r
5-18-71	Case set for change of plea on Tues, May 25, 1971 at 10:00 A.M. (AEB-J)h
5-25-71	Defendant present in person and represented. Defendant withdraws plea of Not Guilty and enters plea of GUILTY, and is adjudged GUILTY as charged, and sentence passed to Tuesday, June 8, 1971 at 10:00am (AEB-J)h
6-8-71	Defendant present in person and represented. Judgment and Sentence- Joseph Benny Rizzuto (Age 36) It is adjudged that the defendant is hereby committed to the custody of the Atty Gen. or his authorized representative for a period of Eighteen (18) months. (THE COURT Recommends that the defendant be first be delivered to U.S. Med. Center in Springfld, Mo. for a check up) Order of J&S filed and entered. Two c.c. to USM.h
6-8-71	

DATE	PROCEEDINGS
6-23-71	Return on J & C filed. Executed by delivering defendant on 2-26-71 to Tulsa County Jail and further executed by delivering him on 6-17-71 to Medical Center Federal Prisoner in Missouri. v
10-12-71	Order overruling motion (letter) pursuant to Rule 35, filed and entered. (AEB-J) ds copies mailed attorney and defendant

UNITED STATES MAGISTRATE
Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Morris L. Bradford

(Name of magistrate)

U. S. Court House, Tulsa, Oklahoma

(Address)

MAGISTRATE'S
DOCKET NO. 1 CASE NO. 17
THE UNITED STATES
vs.Adan CASIANO-DelgadoComplaint filed on Feb. 22, 19 71, by Harold M. Harvey
Official title Senior Patrol Agent, charging violation of
United States Code, Title 824, Section 1324(a)(3) Feb. 20
19 71, at Miami, Okla. in the
division of the Northern district of Oklahoma
as follows: Did transport and move by means of a motor
vehicle and trailer, citizens of Mexico, knowing or
having reasonable grounds to believe their last entry
occurred less than 3 weeks prior thereto.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date _____ Warrant/Summons for _____

(Name of defendant)

to (name and title of officer) _____

Substance of return _____

Date _____ Warrant/Summons for _____

(Name of defendant)

to (name and title of officer) _____

Substance of return _____

71-7
FILED

APR 27 1971

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date _____ Arrested by _____

JOHN H. BOE, Clerk
U. S. DISTRICT COURT
without warrant. (Name of issuing officer)

Appearances

for United States _____

(Name)

(Address)

for accused _____

(Name)

(Address)

Proceedings taken See proceedings in Case #1-1 of Magistrate Burns of Miami, Okla.

(Here insert with dates, when appropriate, a seriatim account of essential steps taken at hearing such as "complaint prepared,"

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
On March 1, 1971 Defendant appeared before the undersigned Magistrate for theif that is the fact; any adjournments taken, etc.
purpose of appointment of counsel. Ray H. Wilburn was appointed to represent

defendant. On March 10, 1971 defendant appeared in person and by his attorney,

Ray H. Wilburn and requested that the court permit him to withdraw his waiver of

a preliminary hearing and requested the court to set this matter for preliminary
hearing. Preliminary hearing was set for March 26, 1971 at 10 a.m.

Defendant remanded to custody of U. S. Marshal in lieu of bail.

Outcome _____

Bail fixed _____, 19 ____ Amount, \$ _____ Bonded _____, 19 ____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 ____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19 ____, [or] committed to _____
on _____, 19 ____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date March 26, 1971 Appearances for

United States

(Name)

Ben Baker

(Address)

Tulsa, Oklahoma

Accused

(Name)

Ray H. Wilburn

(Address)

Tulsa, Oklahoma

WITNESSES FOR UNITED STATES:

(List names and addresses)

Harold M. Harvey, Senior Patrol Agent,
United States Border Patrol

WITNESSES FOR ACCUSED:

(List names and addresses)

None

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken Mr. Harold M. Harvey of the United States Border Patrol was sworn
as witness for the United States and testified. The witness was cross-examined
by attorney for the defendant. At conclusion of direct and cross-examination of
the witness both parties announced that they had no further witnesses or evidence
to introduce. Attorney for defendant demurred to Government's evidence on the
grounds that the seizure and arrest were unlawful. Parties requested one week
to file briefs in connection with the defendant's demurrer and same was granted.
Under the provisions of Rule 35 (see 5), the hearings on motions as to illegal
search and seizure were transferred to the U. S. District Court for the Northern
District of Oklahoma for disposition.

Outcome

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 26th day of April, 19 71

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, April 26, 19 71



United States Magistrate.

UNITED STATES MAGISTRATE

NORTHERN

DISTRICT OF

OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Morris L. Bradford U. S. Court House, Tulsa, Oklahoma
(Name of magistrate) (Address)

MAGISTRATE'S
DOCKET NO. 1 CASE NO. 7
THE UNITED STATES
vs.
JOSEPH BENNY RIZZUTO

Complaint filed on Feb. 26, 19 71, by John L. Harrington
Official title Special Agent, FBI, charging violation of
United States Code, Title 18, Section 2312, on Feb. 25
19 71, at Sand Springs, Okla., in the
division of the Northern district of Oklahoma
as follows: Did transport in interstate commerce a
1971 Ford Torino VIN 1A30F103508 bearing California
license 169-BKN, from Modesto, California, to Sand
Springs, Oklahoma, knowing the same to have been
stolen.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date 2-26-71 Warrant/Summons for Joseph Benny Rizzuto
(Name of defendant)
to (name and title of officer) U. S. Marshal or any other authorized person
Substance of return Defendant Joseph Benny Rizzuto arrested by John L.
Harrington, Special Agent, FBI
Date _____ Warrant/Summons for _____
to (name and title of officer) _____
Substance of return _____

FILED

(Name of defendant)

MAR 8 1971

M-7

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date 2-26-71 Arrested by John L. Harrington JOHN H. POE, Clerk
U. S. DISTRICT COURT Morris L. Bradford
(Name of issuing officer)
without warrant.

Appearances { for United States Ben Baker (Name) _____ (Address) _____
for accused None (Name) _____ (Address) _____

Proceedings taken The accused was brought before the undersigned Magistrate and
(Here insert with dates, when appropriate, a seriatim account of essential steps taken at hearing such as "complaint prepared,"
advised of the charges contained in complaint filed. The defendant was advised
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"
of his rights to retain counsel and to a preliminary hearing. The defendant

if that is the fact; any adjournments taken, etc.
advised the Magistrate that he did not have funds with which to obtain counsel
and requested court appointed counsel, and that he desire a preliminary hearing.
Mr. Jack J. Ferguson was appointed counsel to represent defendant and the
preliminary hearing was set for March 5, 1971 at 10 a.m.

Outcome Defendant was delivered to custody of U. S. Marshal in lieu of bond.

Bail fixed Feb. 26, 19 71 Amount, \$ 10,000.00 Bonded Cash or surety, 19 _____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 _____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19 _____, [or] committed to _____
on _____, 19 _____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

_____, 19____, for (name of witness) _____
 at request of (name of party) _____
 Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date March 5, 1971 Appearances for

United States

(Name)

Ben Baker, A.U.S.A.

(Address)

Tulsa, Oklahoma

Accused

(Name)

Jack J. Ferguson

(Address)

Tulsa, Oklahoma

WITNESSES FOR UNITED STATES:

(List names and addresses)

John L. Harrington, FBI, Tulsa, Okla.

WITNESSES FOR ACCUSED:

(List names and addresses)

None

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
 Proceedings taken The defendant appeared in person and by counsel and the Government
appeared by Ben Baker, Assistant U. S. Attorney, and both parties announced
ready for trial. John L. Harrington, Special Agent, FBI, was sworn as a
witness and testified for the Government. At the conclusion of Mr. Harrington's
testimony, both direct and cross, the Government rested. The defendant announced
in open court that they had no witnesses. The Court found that the Government
had proven probably cause.

Outcome Defendant committed to custody of U. S. Marshal on failure to make bond.

Bail fixed 3-5-71, 19____ Amount, \$ 10,000.00 Bonded _____, 19____, by cash

deposited by (name) _____ Address _____

transmitted to clerk of district court _____, 19____

[or] by surety (names) _____ Address _____

and _____ Address _____

who justified by affidavit _____, 19____ Committed to _____

on _____, 19____

Certified to be a correct transcript.

Made this 5th day of March, 19 71

Transmitted to Clerk of United States District Court for the Northern

district of Oklahoma, March 5, 19 71

Marion R. B...

United States Magistrate.